

CONNECTICUT
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ASSOCIATION



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Raised Bill 6642

Public Hearing: 3-20-09

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: MARCH 20, 2009

RE: SUPPORT OF RAISED BILL 6642 – AN ACT CONCERNING THE SOLICITATION
OF CLIENTS, PATIENTS OR CUSTOMERS

Members of CTLA report that in the last two years increasing numbers of citizens in our larger towns and cities have been contacted following a motor vehicle accident by persons who are working as “runners.” Runners operate by soliciting accident victims to seek treatment from specific chiropractors who, in turn, pay the runners for producing accident victims who can become patients and make insurance claims. Runners have no previous relationship with the persons they contact. Runners may contact accident victims by mail or phone within a few days of the accident. Or, runners may even go to accident victims’ homes to solicit them.

Runners learn of motor vehicle accidents in one of two ways. First, as has been confirmed with the Bridgeport and Waterbury Police Departments, the runners will appear on a daily basis at the police department to purchase copies of all of the previous day’s motor vehicle accident reports. The reports contain the names, addresses and dates of birth of those involved in the accident. Using this information, runners immediately contact those identified in the report.

In addition, it is apparent that runners are using police scanners to respond to accident scenes. There are multiple reports of runners appearing at the scene of an accident -- in some cases runners are arriving at accident scenes even before the police. The runner who arrives at the scene of an accident will take photographs of the vehicles involved in the accident which are then made available for purchase. In addition, the runner will direct the people involved in the accident to a particular health care provider for treatment. It has been reported that in some cases the people involved in the accident were under the impression that the runner at the scene of the accident worked for the police department.

Finally, there has even been a report of a runner making contact with an accident victim as he waited for treatment in a Bridgeport hospital emergency room. The runner advised the patient that the runner could get him in to see a doctor quicker than would be possible if he continued to wait in the emergency room. Instead of allowing the accident victim to wait for diagnosis and treatment from a doctor in the hospital, the runner took him from the hospital and drove the accident victim to a chiropractor’s office.

Runners can be very persistent. Citizens have reported receiving multiple contacts by mail, phone and in person at the doors of their homes during all hours of the day and night. Recently two complaints of “stalking” were filed with the Bridgeport Police Department by persons who had been involved in an accident and were being relentlessly pursued by a runner. The runners offer accident victims quick

access to medical treatment without the necessity of having health insurance. Runners will even go so far as to drive accident victims to the chiropractors' offices when they do not have their own transportation.

Once at the chiropractor's office the patient is put in contact with a lawyer with whom the doctor "does business" so that the lawyer can pursue an insurance claim on behalf of the accident victim for his or her injuries. The lawyer is a necessary part of this process as it is the lawyer who will see to it that the bill for the chiropractor's treatment is paid from the proceeds of any claim which is filed by the lawyer.

The potential for abuse is enormous. First, runners prey disproportionately on specific populations: poor, minority and city dwelling. Those affected do not have health insurance, often lack facility with the English language and generally have only limited access to transportation. Although legitimately injured, these accident victims are pulled into a scheme that is designed to make money for the participants who solicit the victims but not to provide good medical care or legal representation for the injured victims. A second concern is that while everyone contacted by a runner has been involved in an accident, not everyone has been injured. However, runners approach all accident victims – whether injured or not – and tell them that they can receive free medical care and be set up with a lawyer to pursue a claim on their behalf. The promise of money to be made is at least implicit. Such a system will inevitably lead to the pursuit of fraudulent claims by persons who are not hurt. The filing of fraudulent claims, in turn, hurts both those who have valid claims which are made suspect by the existence of such invalid claims and the consumers who are forced to pay higher insurance rates.

New Jersey has confronted the problem of runners. According to the New Jersey Attorney General's office, runners were a significant problem there within the last ten years. One New Jersey runner was particularly notorious. That individual was convicted in 1999 for attempting to bribe police officials to provide him with information about accidents before the information was made available to the public. As a result of his and other runners' activities in the state, New Jersey passed legislation like the legislation that is proposed here to ban the use of runners. According to the New Jersey Attorney General's office, their anti-runner legislation is an effective tool for law enforcement to bar the practice.

We have been told by the New Jersey Attorney General's office, as well as by citizens of Bridgeport, that the runner from New Jersey who was convicted of bribing police officials moved to Connecticut and is now running cases for chiropractors in Bridgeport and Waterbury. The New Jersey Attorney General's office made the observation to CTLA that because Connecticut does not have "anti-runners" legislation on the books, it is an attractive business environment for this runner. Before it passed legislation to bar runners, New Jersey saw an increase in fraudulent insurance claims as well as the involvement of organized crime in the scheme.

The Connecticut Trial Lawyers Association opposes the use of runners and is extremely concerned about the increasing presence of runners in this state. The CTLA has reached across the table to members of the insurance industry to oppose the practice. We sat down with the fraud unit of one of the largest insurers in Connecticut. We met with Attorney General Blumenthal and his office to share our information. We reached out to chiropractors and their trade group to join in our opposition to this practice. We strongly believe that something must be done to stop the use of runners in this state to protect our citizens.

WE RESPECTFULLY URGE YOU TO SUPPORT RAISED BILL 6642. Thank you.